



UNITED STATES PROBATION & PRETRIAL SERVICES
District of New Hampshire

MEMORANDUM

DATE: October 1, 2019

TO: Honorable Andrea K. Johnstone
U.S. Magistrate Judge

FROM: Karin M. Hess
U.S. Probation Officer

RE: U.S. v. Neil Dexter
Dkt. #19-CR-07-01-LM

Report of Bail Violation – Summons Requested

The probation officer respectfully requests that the Court issue a summons so that the defendant may be made to appear before the Court and show cause as to why his bail should not be revoked. In support of this request, the probation officer offers the following information.

Release Status

On December 20, 2018, the defendant appeared before U.S. Magistrate Judge Andrea K. Johnstone pursuant to a warrant that was issued following the filing of a Complaint that charged him with Possession of Fentanyl with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1), and Conspiracy to Possess a Controlled Substance with Intent to Distribute, in violation of 21 U.S.C. § 846. At that hearing, Dexter was ordered released on conditions to include pretrial supervision. Because the defendant's residence is in Maine, the U.S. Probation & Pretrial Services Office in that district has supervised the defendant as a courtesy to this Court since his release.

On January 9, 2019, a grand jury sitting for the District of New Hampshire returned an Indictment which charged the defendant with Conspiracy to Possess with Intent to Distribute a Controlled Substance (Fentanyl), in violation of 21 U.S.C. §§ 846 and 841(a)(1), and Possession of a Controlled Substance (Fentanyl) with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1). The Court then issued a summons for the defendant to appear for an arraignment on January 30, 2019; however, on January 29, 2019, defense counsel filed a Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty. Thereafter, the hearing was cancelled.

On January 31, 2019, a Report of Bail Violation – Warrant Requested was filed with the Court, advising that the defendant failed to refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802. Specifically:

On December 26, 2018, the defendant submitted a urine sample that tested positive for heroin, fentanyl, cocaine, and methamphetamine. When confronted by the supervising

U.S. v. Neil Dexter (Dkt. #19-CR-07-01-LM)
Report of Bail Violation – Summons Requested
October 1, 2019
Page 2

officer in Maine, he admitted to using heroin, fentanyl, and cocaine the previous day (Christmas), but he appeared genuinely surprised to learn that he had methamphetamine in his system as well;

On January 10, 2019, the defendant submitted a urine sample that tested positive for fentanyl. Subsequent testing at a nationally-contracted laboratory confirmed this result. When confronted by the supervising officer in Maine, he denied, in writing, that he had used that substance;

On January 15, 2019, the defendant submitted a urine sample that tested positive for fentanyl. When confronted by the supervising officer in Maine, he verbally denied that he had used that substance;

On January 23, 2019, the defendant submitted a urine sample that tested positive for fentanyl and buprenorphine. When confronted by the supervising officer in Maine, he verbally denied that he had used either substance; and

On January 24, 2019, the defendant submitted a urine sample that tested positive for fentanyl and buprenorphine. When confronted by the supervising officer in Maine, he verbally denied that he had used either substance.

On February 7, 2019, the defendant was arrested and brought before Judge Johnstone for a bail violation hearing. At that hearing, the defendant stipulated to detention and received a judicial recommendation to the Therapeutic Community (TC) program at the Strafford County Department of Corrections in Dover, NH.

On July 3, 2019, the defendant completed the TC program and appeared before Judge Johnstone for a detention review hearing. Following that hearing, Dexter was ordered released on conditions to include pretrial supervision. He was also ordered to reside at the Strafford County Transitional Housing program with a further hearing to be held in 90 days or upon discharge from that facility. Dexter is scheduled to appear before the Court for a bail review hearing on October 2, 2019.

Details of Current Violation(s)

Violation of Condition 8(p): The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

On July 29, 2019, the defendant submitted a urine sample that tested positive for fentanyl. When confronted by the supervising officer, he denied any use of that substance, but subsequently admitted to using Kratom after it was discovered in his room by staff at the Transitional Housing facility. Dexter indicated that he used Kratom to relieve pain and claimed to be unaware that it was prohibited at the facility since it is not illegal. The probation officer stressed to Dexter the potential dangers of using unregulated substances and also noted the possible threat it posed to his

U.S. v. Neil Dexter (Dkt. #19-CR-07-01-LM)
Report of Bail Violation – Summons Requested
October 1, 2019
Page 3

sobriety. He was strictly instructed that he could no longer use Kratom while under supervision.

On August 26, 2019, the defendant submitted a urine sample that tested positive for fentanyl. When confronted, he denied the use of any substances.

On September 9, 2019, the defendant submitted a urine sample that tested positive for fentanyl.

On September 11, 2019, the defendant submitted a urine sample that tested positive for fentanyl.

On September 18, 2019, the probation officer and Supervising U.S. Probation Officer Eric Gray contacted the defendant's attorney about the defendant's positive drug tests. After speaking with Dexter, defense counsel advised the probation officer that the defendant maintains that he has not used fentanyl. He provided no other explanation for the positive test results.

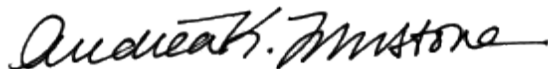
Reviewed & Approved by:

/s/ Eric G. Gray
Eric G. Gray
U.S. Probation Officer

10/01/2019
Date

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant/Matter Sealed Pending Arrest
- ☒ The Issuance of a Summons
- ☐ Other



Honorable Andrea K. Johnstone
U.S. Magistrate Judge

October 2, 2019
Date